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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,222	08/23/2006	John Barry Finn	123-002	8459
47533 7590 11/24/2009 INTELLECTUAL PROPERTY LAW OFFICE OF JOEL VOELZKE 24772 SADDLE PEAK ROAD MALIBU, CA 90265			EXAMINER MANOHARAN, VIRGINIA	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			11/24/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/534,222

**Applicant(s)**

FINN ET AL.

**Examiner**

Virginia Manoharan

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicants' cooperations are requested in correcting any errors of which applicants may become aware in the specification.

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. The abstract in the PCT does not suffice.

The disclosure is objected to because of the following informalities:

- a). The continuing data regarding the 371 should be incorporated in the specification.
- b). There are no proper antecedent supports in the claims for the following recitations:
  - 1). "the collection surface" in claim 10; and
  - 2). "the collector opening" in claims 11 & 14.
- c). Note typographical error such as vapour(s), numerously recited in the claims, which should be –vapor—as the latter is the term normally used in the U.S. Also "condensator in claims 1 and 6 should be—condenser---. See also the 'litres" in claim 16 which should be –liters--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4 and 8-14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over anyone of Deutsch (5,053,110), FR 2742740 or JP 10244250.

Either FR' 740 or JP 250 anticipates or renders obvious the claimed "...distillation unit including: a container for receiving a first liquid wherein the liquid is evaporated to form vapour, the container having an upwardly facing opening defined by a peripheral edge; a heat exchanger for engaging the edge and extending across at least substantially all the opening, the exchanger having a downwardly facing condensation surface both for condensing the liquid vapour that contacts that surface and for directing

the condensate inwardly from the edge to a collection zone; and a collector being disposed within the container for receiving the condensate" as broadly claimed in claim 1. Note e.g., FR '740 showing an evaporator (5) built with a body of evaporator (49) having cover (55) for condensing the vapor; the body (49) being open in its upper part and having a conical form; the cover corresponding to the above heat exchanger; and a coiled collecting tank (67) [deemed corresponding to the above collector] placed under the cover (55). See the abstract and Dwg No. 5/7. See also the abstract and Dwg of JP'250; and the entire document of Deutsch disclosing basically similar structures as above.

Claims 5-7 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Deutsch (5,053,110), FR 2742740 or JP 10244250 as applied to claims 1-4 and 8-14 above, and further in view of Ludwig (6,797,124).

Ludwig teaches that incorporating a filter and a float valve that is responsive to the level of the liquid within the container in a distillation system, claimed in claims 15-19, is known in the art and used for their art-recognized functions. See e.g., col.4, lines 47-55 and col.7, lines 9-24. To incorporate the elements taught by Ludwig to the apparatus of anyone of Deutsch, FR '740 or JP '250 would have been obvious to one of ordinary skill in the art inasmuch as all the references are directed to the same processing environment, i.e., to distillation.

The claimed two heat exchangers in claim 20 is deemed to be a matter of additive of the known heat exchanger of the above references. See e.g., the additional heat exchanger (65) and cooler (9) of Fr '740.

The claimed angles of inclination is deemed to be result-effective variables which ordinarily are within the skilled of the art. As evidence see, for example, Deutsch at col. 6, lines 32-35.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a). Wilkerson discloses a still assembly with inclined condensation surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Virginia Manoharan/  
Primary Examiner, Art Unit 1797